

**United States District Court**  
**EASTERN DISTRICT OF OKLAHOMA**

**UNITED STATES OF AMERICA,**

*Plaintiff,*

**v.**

**ROY LEE ROBERTS, JR.,**

*Defendant.*

**CRIMINAL COMPLAINT**

**Case No.** 21-MJ-182-SPS

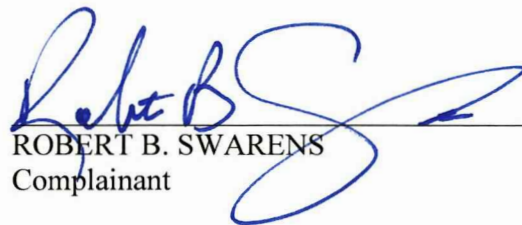
I, Robert B. Swarens, the undersigned complainant, state that the following is true to the best of my knowledge and belief.

On or between November 19, 2017 and September 4, 2019, in the Eastern District of Oklahoma, defendant ROY LEE ROBERTS, JR. violated Title 18, United States Code, Sections 2241(c), 2246(2)(B), 1151 and 1153, an offense described as follows: **AGGRAVATED SEXUAL ABUSE OF A CHILD.**

I further state that I am a Special Agent with the Federal Bureau of Investigation, and that this complaint is based on the following facts:

(See attached Affidavit of Robert B. Swarens, which is attached hereto and made a part hereof by reference.)


☒ Continued on the attached sheet.

  
ROBERT B. SWARENS  
Complainant

Sworn to before me and subscribed in my presence at: MUSKOGEE, OKLAHOMA

Date: April 22, 2021

UNITED STATES MAGISTRATE JUDGE  
Name and Title of Judicial Officer

  
Signature of Judicial Officer



**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA**

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Robert B Swarens, hereinafter referred to as “Affiant,” being duly sworn, depose and state as follows:

**INTRODUCTION**

1. Affiant is a Supervisory Special Agent with the Federal Bureau of Investigation (FBI), and has been so employed for approximately seven (7) years, being an Agent for 19 years. I have been employed with the FBI for 31 years. Affiant is currently assigned to the Oklahoma City Field Office and is authorized and responsible for supervising those who conduct investigations of numerous criminal violations that fall within the FBI’s jurisdiction. Affiant is authorized to conduct, and has conducted, investigations of violent crimes in Indian Country in violation of Title 18, United States Code, Sections 1151, and 1153.

2. As a Special Agent with the FBI, I am a Law Enforcement Officer of the United States as defined by 18 U.S. C. Section 2510(7), meaning I am empowered by law to conduct investigations of and to make arrests for violations of Federal law, including violations of the Major Crimes Act (MCA).

3. The statements contained in this Affidavit are based in part on: information provided by other agencies, written reports about this and other investigations that I have received, directly or indirectly, from other law enforcement agents; independent investigation; and my experience, training, and background as a Supervisory Special Agent with the FBI. Because this Affidavit is being submitted for the limited purpose of establishing probable cause to believe that ROY LEE ROBERTS, JR., committed the below-described offense, I have not included every

detail of the investigation. In addition, unless otherwise indicated, all statements contained in this Affidavit are summaries in substance and in part. The following is true to the best of my knowledge and belief.

**PROBABLE CAUSE**

4. As will be shown below, there is probable cause to believe that ROY LEE ROBERTS, JR. committed Aggravated Sexual Abuse of a Child in violation of Title 18, United States Code, §§ 2241(c), 2246(2)(B), 1151 and 1153.

5. VENUE: the facts and circumstances alleged in this affidavit occurred within the Choctaw Reservation and the Eastern District of Oklahoma. More specifically, based on the Supreme Court decision in *McGirt v. Oklahoma* (2020), the below described location is within the geographic boundaries of the Choctaw Reservation, and therefore is within Indian Country.

6. DEFENDANT: the defendant is ROY LEE ROBERTS, JR., hereinafter referred to as ROBERTS. ROBERTS is an enrolled member of the Choctaw Nation of Oklahoma.

7. VICTIMS: the victims, R.R. and A.R. are the minor children of ROBERTS, both of whom are under twelve (12) years of age.

8. On December 12, 2019, it was reported by M.H. to the Pittsburgh County Sheriff's Office, that ROBERTS had sexually assaulted his two minor children. M.H. is the Legal Guardian of R.R. and A.R.. According to M.H., R.R. disclosed ROBERTS had been sexually assaulting R.R. and his brother A.R. since R.R. was six (6) years of age.

9. Leflore County DHS conducted child forensic interviews of R.R. and A.R.. During those interviews, R.R. disclosed his sexual abuse and seeing videos of his brother A.R. being sexually abused. A.R. did not disclose sexual abuse in his interview.

10. During the interviews R.R. disclosed his father, ROBERTS, touched his penis with

his hands. R.R. was visibly upset while discussing the incident. R.R. disclosed ROBERTS made R.R. touch his penis with his hands and made R.R. put his mouth on ROBERTS' penis. R.R. was asked if anything came out of ROBERTS' penis to which R.R. responded he was not sure but felt something wet on the floor afterwards. R.R. disclosed ROBERTS made a statement that he, ROBERTS, was going to make R.R. perform sexual acts with his sister.

11. R.R. stated ROBERTS told him not to tell anyone and to keep the incident a secret. R.R. stated the incident occurred at night which everyone was asleep. R.R. added he was asked by ROBERTS to do "it" again, to which R.R. responded, "No."

12. R.R. was unable to describe ROBERTS' penis nor the surrounding area. R.R. could only describe ROBERTS' testicles as having hair.

13. Later during the interview, R.R. was asked if ROBERTS ever put his hands or mouth on R.R.'s penis to which R.R. responded, "Yes". R.R. became visibly upset and began to cry while describing the incident and stated it was the same night as when ROBERTS made R.R. touch him.

14. R.R. continues to describe the carpet being wet and this time R.R. thought it was because something came out of ROBERTS' penis. R.R. stated, part of the floor was wet, not clean, and there was a stain afterwards.

15. R.R. stated that after ROBERTS made R.R. touch him, ROBERTS put his penis on R.R.'s butt. R.R. stated ROBERTS did not insert his penis into R.R.'s butt. R.R. stated that he thought it was because he was too small, but R.R. commented ROBERTS' penis felt wet and ROBERTS wiped himself off on R.R..

16. R.R. disclosed the incident occurred as R.R. stood beside his bed and ROBERTS had R.R. squat down before ROBERTS placed his penis on R.R.'s butt. R.R. demonstrated what


occurred.

17. R.R. then described another incident in which ROBERTS placed a disc into the tv. ROBERTS made R.R. watch a video, “where there were people learning how to do the things his father had made him do.”

18. R.R. concluded with stating these incidents occurred after his mother passed away and occurred at his father’s residence, SE 3<sup>rd</sup>, Krebs, Oklahoma.

19. ROBERTS is an enrolled member of the Choctaw Nation of Oklahoma, a federally recognized Indian tribe located in the Eastern District of Oklahoma.

20. To the best of my knowledge and belief, all statements made in this affidavit are true and correct and I believe probable cause exists for the issuance of an arrest warrant for ROY LEE ROBERTS for the crimes of Aggravated Sexual Abuse of a Child and Sexual Exploitation of a Minor in violation of Title 18, United States Code, §§ 2241(c), 2246(2)(B), 1151 and 1153.

  
Robert B Swarens  
Supervisory Special Agent  
Federal Bureau of Investigation

Sworn and subscribed this 22nd day of April, 2021.

  
UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF OKLAHOMA